



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, MONDAY, NOVEMBER 14, 2011

No. 173

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Holy God, the source of our strength, we need You this day and always. Continue to sustain our lawmakers, fulfilling Your promise to supply their needs.

Lord, we confess that we don't have all the answers, for our judgment is sometimes inadequate for the challenges we face. We need You, therefore, to guide our Senators to know what is right and do it, to discern Your best for America and to act promptly.

Lord, we know You are willing to help those who confess their dependence on You, leading them toward workable solutions and creative compromise.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business until 3 p.m. today. During that period of time, Senators will be allowed to speak therein for up to 10 minutes each. Following morning business, the Senate will adopt the motion to proceed to the consideration of H.R. 2354. There will be no rollcall votes today. The next rollcall votes will be Tuesday morning in relation to two U.S. district judges.

SPIRIT OF COOPERATION

Mr. REID. Mr. President, last week something wonderful and unusual happened here in the Senate: We passed a worthy piece of legislation with a nearly unanimous vote. On the eve of Veterans Day, we honored this Nation's service men and women by passing bipartisan legislation to spur hiring of this country's nearly 900,000 out-of-work veterans. Two hundred fifty thousand of these unemployed veterans became members of the Armed Services because of the global fight on terror basically in the last 10 years. I trust our action last week meant as much, or more, than our words of thanks and praise for these dedicated men and women who serve us so well. But the Senate has much more work to do this work period, this week and into next week, if necessary. I hope that same

spirit of cooperation will hold during this next few days. The Senate has much more work to be done, as I have indicated, because we have work that is essential to the functioning of our government.

As we continue to focus on the efforts to create jobs and get our economy moving again, we must also pass appropriations bills, which is part of our yearly responsibility. This week, we will consider an appropriations package that includes Energy and Water, Financial Services, and State and Foreign Operations. We need cooperation to move this important piece of legislation. The legislative tree will not be filled, but we need to agree on the way forward. We need to have some responsible way to move forward on these amendments. We are not going to have another situation such as we had a few weeks ago, where we worked until early in the morning—not that the long hours hurt, but we had hundreds of amendments and we had no way of moving through those without having a lot of votes, some of which were totally unnecessary.

We have the continuing resolution we must do before the end of this work period. Although I know there will be some strident debate over amendments to both the appropriations bill and the Defense authorization bill we have to do, we have to work together if we are going to move forward on the Nation's business.

Last month, the Senate passed a bipartisan minibus that included Agriculture, Commerce-State-Justice, Transportation, and Housing and Urban Development. Those appropriations bills were essential, and we were able to complete that. That experience proved that, with cooperation, the Senate can work through the normal appropriations process, but it does take cooperation.

The Senate will consider the conference report on that minibus this week. That conference report will include another short-term continuing

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S7395

resolution that will take us through December 16, which will give Congress the time it needs to complete important work—passing appropriations bills.

This week we will also confirm a number of judges who are crucial to help ease the backlog in our Nation's jam-packed courts. We have the supercommittee which is functioning. All 12 members are trying to come up with some reasonable way forward to do something about the debt.

So we have the supercommittee, we have the Defense authorization bill, we have the appropriations bill, we have a conference report, and we have the deadline that is facing us. We have to get all this work done by this weekend. If not, then we get it done before Thanksgiving, which is a week from Thursday. So as you can see, the Senate has a substantial amount of work to complete in the 10 days before Thanksgiving. I want to be clear that we are going to work up until the last moment before the holiday, if that is what it takes, to get these important tasks done. With cooperation, we can get it all done this week. But we have a lot to do, and I understand that, but I do hope we can work together to complete this country's necessary work.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I failed to note that Senators FEINSTEIN and ALEXANDER, the managers of this appropriations bill we have, are going to be here on the floor this afternoon to give their opening statements. So if Senators have amendments, they should talk to the two managers of the bill. I think that works much better than firing up amendments and hoping some of them stick.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material

Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l-6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer